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Summary record of the 23rd meeting
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Chairman: Mr. Wolfe ..... (Jamaica)
Later: Mr. Gibbons (Vice-Chairman) ..... (Ireland)

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The meeting was called to order at 3.10 p.m.

Agenda item 70: Promotion and protection of human rights (*continued*) (A/62/36, 369 and 464)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/62/183, 207, 212, 214, 218, 222, 225, 227, 254, 255, 265, 280, 286-289, 293, 298, 304 and 317)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/62/213, 223, 263, 275, 313, 318, 354 and 498)

1. **Mr. Dugard** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), introducing his report (A/62/275), said that the situation of human rights in the Occupied Palestinian Territory had worsened since the report's publication on 17 August 2007. Gaza remained an imprisoned society as a result of the complete closure of the main crossing points and 80 per cent of its population were now living below the poverty threshold. Since Israel refused to recognize Gaza as an occupied territory, Israeli banks had discontinued dealings with banks in Gaza, a move which had serious consequences for its inhabitants, who used the shekel as their currency. There had been some improvements in the West Bank since Hamas had seized power in Gaza (release of almost 350 Palestinian prisoners, payment of some of the tax revenue due to the Palestinian Authority, relaxation of travel restrictions in the Jordan Valley and granting of 3,500 residence permits to Palestinians), but the overall situation, in particular its humanitarian aspects, continued to worsen (increase in the numbers of checkpoints and roadblocks (currently 571), military incursions and arrests and murders of militants, continued construction of the wall (which was being rerouted in the Hebron area, increasing the amount of Palestinian land in the closed zone to 13 per cent from the 10.2 per cent indicated in the report) and continued expansion of settlements, with new housing being built and further land confiscated). The problem of prisoners was more acute than ever: there were some 11,000 Palestinians in Israeli jails.

2. Having reviewed the situation since the publication of his report, he turned to the report's conclusions on three main points: the right of the Palestinian people to self-determination, which was seriously threatened by the dispute between Fatah and Hamas; the consequences of 40 years of occupation of the Palestinian Territory, concerning which he would request a new Advisory Opinion from the International Court of Justice; and the role of the United Nations in the protection of human rights in the Palestinian Territory. On the last point, he questioned the role of the Quartet, which reported to the Security Council but had not been established under a resolution of the Security Council or the General Assembly.

3. Since the Quartet was guided by the political will of its most powerful member and paid little attention to the human rights of the Palestinians, it must be asked whether the best interests of the United Nations, which was responsible for protecting those rights, were really served by remaining in the Quartet. He was calling for a serious debate on the issue among all United Nations stakeholders: if the Secretary-General was unable to persuade the Quartet to adopt an even-handed approach to the Israel/Palestine dispute, which took account of fundamental Palestinian rights, he suggested that he should consider withdrawing the United Nations from the Quartet.

4. **Mr. Mansour** (Observer for Palestine) thanked the Special Rapporteur on behalf of the Palestinian people and its leaders for the frankness of his report, his sincerity and his description of the real situation, which unfortunately risked exposing him to much criticism. He assured the Special Rapporteur of the cooperation of the Palestinian people in his ongoing work.

5. **Ms. Schonmann** (Israel) vigorously disputed the objectivity and impartiality of the Special Rapporteur's report. The problem lay in the very nature of his mandate, unchanged since 1993, which required him to examine violations of human rights allegedly committed by Israel without considering those committed by Palestinians. The report was a caricature: it presented a very simplistic view of the situation and contained a number of factual and legal errors and distortions of reality, as well as using inflammatory language (referring, for example, to the "arrest" of Israeli corporal Gilad Shalit). The Special Rapporteur also cited at length a report published in 2006 by the non-governmental organization Peace Now regarding land ownership in the West Bank, but failed to note that Peace Now itself had retracted its report because it contained factual errors.

6. Beyond the report's errors of fact, the Special Rapporteur had departed from the United Nations doctrine of unequivocally condemning terrorism, regardless of the circumstances in which it was committed. By advancing the position that terrorism was a relative concept, he demonstrated a deliberate blindness to the glorification and perpetration of acts of terrorism by certain Palestinian groups. He advanced arguments that legitimized acts of terrorism directed at innocent civilians and compared Palestinian terrorists with resistance fighters throughout history. A cursory look at the Hamas Charter, calling for the annihilation of Israel might help to reveal the lack of any relativity in its vision of the right to self-determination; it was no surprise therefore that the official spokesman of Hamas had wholeheartedly welcomed the Special Rapporteur's latest report.

7. The report struck a blow at the current preparations for peace talks by reflecting an approach that sought to undermine core humanitarian principles, including the principle of self-defence, and could be regarded only as a step backwards in the protection of human rights, not just in the region but throughout the world.

8. **Ms. Abdelhady-Nasser** (Observer for Palestine), speaking on a point of order, said that the statement by the representative of Israel had been unacceptably long.

9. **Ms. Mtshali** (South Africa) said that the Palestinian people had a right to self-determination, a principle that was enshrined in the Charter of the United Nations. The question of Palestine, which had been on the agenda for more than 60 years, remained unresolved. Her Government was very worried by Israel's continuing occupation of the Palestinian Territory and recalled that any solution to the conflict would necessarily involve the creation of an independent State of Palestine, having East Jerusalem as its capital and living side by side with Israel, with both States enjoying secure and internationally recognized borders. She asked the Special Rapporteur what role the United Nations ought to be playing in the Quartet with regard to human rights violations and how the Organization could be more effective in securing Palestinian self-determination and the establishment of an independent State, given that he felt that the Quartet did not speak for the majority of the Member States. She also asked whether there was a need for a new Advisory Opinion of the International Court of Justice on the legal consequences of prolonged occupation and what steps the international community should take to improve the worrying situation of Palestinian prisoners in Israel and to ensure that Israel, the occupying Power, respected the Fourth Geneva Convention.

10. **Mr. Queiros** (Portugal), speaking on behalf of the European Union, said that Israel and the Palestinian Authority must respect internationally established human rights and fundamental freedoms. He asked the Special Rapporteur what measures he thought the two parties should take as soon as possible to improve the human rights situation in the occupied territories and what the international community could do to improve the situation. He shared the Special Rapporteur's opinion that the political rift between Gaza and the West Bank that had occurred in June 2007 when Hamas had come to power had had a negative impact on the human rights situation in the occupied Palestinian territories. The European Union was opposed to the division of the Palestinian territories and was concerned at the continuing deterioration of the human rights situation in Gaza, where it continued to provide humanitarian aid to the population. He asked the Special Rapporteur what he thought the international community should do to promote national reconciliation, strengthen Palestinian institutions in Gaza and improve the humanitarian situation there. Referring to the considerable number of deaths in Gaza since Hamas had taken power, he asked what measures the Special Rapporteur believed should be used to combat impunity there. Concerning the improvement of the situation in the West Bank since Hamas had come to power in Gaza, he asked the Special Rapporteur whether he had any additional information on other measures taken to improve the situation.

11. **Mr. Al-Saif** (Kuwait) said that he had noted with regret and concern the Special Rapporteur's assessment of the human rights situation in the occupied Palestinian territories. Apart from the proposal to request a new Advisory Opinion from the International Court of Justice, he would like to know what other measures the Special Rapporteur advocated for ending Israel's occupation of the Palestinian Territory.

12. **Mr. Edrees** (Egypt) said that the vital, cross-cutting issue of human rights could not be viewed in isolation from the rest of the question of Palestine. He stressed that human rights were enshrined in international norms and that there was no room for compromise as to their application. He was pleased

that the Special Rapporteur had referred to the comments made by the former Envoy to the Quartet in his end-of-mission report and hoped that the United Nations would play a more active role in the Quartet. His Government was concerned at the information in the report concerning the expansion of Israeli settlements, which were illegal and threatened the possibility of lasting peace. He wished to know more about the political repercussions of the situation created by those settlements.

13. **Mr. Al-Shami** (Yemen) said that the Special Rapporteur had shown courage in describing in his report the violations of Palestinians' human rights in the occupied territories since 1967; he hoped that action would be taken on his conclusions.

14. **Mr. Abdeen** (Sudan) said that the report described the situation in the occupied territories objectively and asked the Special Rapporteur to point to any measures that would enable the United Nations to force Israel to apply the resolutions on Palestinian human rights in particular and the question of Palestine in general.

15. **Mr. Dugard** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that "terrorism" was indeed a relative concept. Two individuals accused of terrorist activities had subsequently become prime ministers of Israel. Terrorism must be condemned from a moral and legal standpoint, but there was a danger that focusing on it too much might result in the real issues being ignored.

16. Replying to the representative of South Africa, he noted that the Oslo Accords had not lived up to Palestinian expectations because they had failed to take into account the issue of the human rights of the Palestinian people. The Quartet should put more emphasis on human rights. Requesting a further Advisory Opinion from the International Court of Justice might make it possible to determine whether Israel was still occupying Gaza and to identify more clearly the legal aspects of the prolonged occupation of the Palestinian territories. With regard to Palestinian prisoners, according to humanitarian law, they ought to be imprisoned in the occupied territories, not in Israel. The Israeli Government must comply with its obligations in that regard.

17. Replying to the representative of Portugal, he said that in order for human rights to be respected in the occupied territories, the problem of the separation wall and the increase in the number of checkpoints and border crossings needed to be solved urgently. As far as national reconciliation was concerned, the United Nations should act as a go-between in trying to bring the two sides closer together. The international community must give its attention to the serious allegations of human rights violations in Gaza and the West Bank.

18. Replying to the representative of Kuwait, he said that the Third Committee should recommend to the General Assembly that it consider asking the International Court of Justice for an Advisory Opinion on the legal consequences of the prolonged occupation of the Palestinian territories.

19. Replying to the Egyptian representative's question about settlements, he noted that even though the Israeli Government was claiming that it had put a freeze on the establishment of new settlements, work on them was continuing, funded and supported by the State.

20. Replying to the representative of Yemen, he noted that the Quartet could contribute to the implementation of United Nations resolutions by insisting that the Israeli Government comply with its international obligations. In its statements, however, the Quartet had all too often criticized the Palestinian Authority while ignoring the serious human rights violations committed by Israel.

21. **Mr. Ramadan** (Lebanon) endorsed the Special Rapporteur's conclusions and recommendations. The report admittedly contained repetitions, but those only served to demonstrate the persistence of Israeli practices. He wondered whether killings and systematic violations could be deemed to constitute a policy and whether the fact that the silent majority closed their eyes to those human rights violations implicated them legally.

22. **Mr. Rees** (United States of America) said that his Government shared the international community's concerns about the hardships faced by Palestinians. It disagreed strongly with the criticism levelled at the Quartet, of which the United Nations was a member and whose goal was to advance Israeli-Palestinian peace and to set normative parameters for acceptable action by the parties. The suggestion that the United Nations should consider withdrawing from the Quartet was irresponsible. The Special Rapporteur was implying that the Quartet had no legitimacy, when in

fact the Security Council has endorsed its efforts to advance peace on a number of occasions.

23. His Government was troubled by the Special Rapporteur's superficial treatment of the complicated and illegitimate situation in Gaza, where Hamas had seized power violently, and strongly disagreed that Fatah had seized power by similar means in the West Bank. Such accusations could only further complicate an already difficult situation.

24. His Government had a long-standing commitment to improving the lives of Palestinians living in the West Bank and Gaza and to the creation of a Palestinian State. Since 1993, it had delivered more than US$ 1.7 billion in aid to the West Bank and Gaza to combat poverty, create jobs, improve education, build roads and water systems, construct and equip medical clinics and promote good governance. In 2007, it had been the largest bilateral contributor of assistance to the Palestinian people, spending over US$ 204 million.

25. His Government was concerned that the Special Rapporteur had devoted no more than a passing reference to acts of terror directed towards Israeli citizens. His implication that terrorism could be justified under any circumstances was disturbing. There could be no peace until there was an end to violence. The Special Rapporteur's allusions to apartheid were also inappropriate. While his Government regretted the loss of all innocent life, both Palestinian and Israeli, there was a clear distinction between military operations by the Israel Defense Forces and the deliberate targeting of civilians by terrorist organizations operating in the West Bank and Gaza.

26. He believed that seeking a further Advisory Opinion from the International Court of Justice would be inconsistent with Security Council and General Assembly support for the peace process. His Government was attempting to advance bilateral talks between the parties in preparation for the international meeting to be held later in the year. At a time when efforts were being made to reach a solution, the Special Rapporteur should have focused on objective reporting rather than producing a biased report that detracted from efforts to advance peace.

27. **Ms. Halabi** (Syrian Arab Republic) endorsed the Special Rapporteur's opinions and commended the efforts that he was making to fulfil his mandate. As a national of a country that had long practised racial discrimination and apartheid, he was well placed to promote the dialogue needed to settle the Arab-Israeli conflict.

28. **Ms. Sutikno** (Indonesia) said that the present year was no cause for celebration, marking as it did the fortieth anniversary of the occupation of Palestinian territories. The Palestinians would remain the primary victims of the occupation for as long as it continued. She welcomed the release of 225 Palestinian prisoners and the amnesty for 175 Fatah militants, as well as the remittance of $119 million of Palestinian tax funds to the Palestinian Authority. The violation of human rights had a serious impact on the situation in the West Bank. She endorsed the Special Rapporteur's suggestion that the International Court of Justice should be asked to give an Advisory Opinion and wished to know what that Opinion would achieve. She also wished to know what approach the Special Rapporteur might adopt in order to contribute to the work of the Quartet, particularly with regard to the inclusion of human rights aspects.

29. **Mr. Sergiya** (Libyan Arab Jamahiriya) welcomed the conclusions and recommendations contained in the report and asked about new mechanisms or measures that would help to end the occupation and enable the Palestinians to exercise their right to self-determination, which was recognized by the United Nations and all other international organizations.

30. **Mr. Badji** (Senegal) said that the report laid bare the human rights situation in the occupied territories. It valuably drew the attention of the international community to its responsibilities by calling upon it to protect the rights of Palestinians, restore justice and respect international law by condemning the Israeli occupation and acting on the Advisory Opinion. He hoped that the Committee would follow up the report and that the international community would take into account the Special Rapporteur's recommendations.

31. **Ms. Medal** (Nicaragua) welcomed the recommendations contained in the report, which were extremely pertinent, particularly concerning the role of the United Nations. The Palestinian people should be permitted to exercise their right to self-determination and the violations to which they were subjected should be brought to an end.

32. **Mr. Ferrer** (Cuba) said that his Government had always supported the cause of the Palestinian people. His delegation looked forward to further details from

the Special Rapporteur concerning the impact of the separation wall on the ability of the Palestinians to exercise their fundamental rights.

33. **Ms. Abdelhady-Nasser** (Observer for Palestine) said that the Special Rapporteur, in common with other international entities, had based himself on international law, international humanitarian law and human rights law in considering the situation in Palestine. His detailed factual report amply demonstrated that the Israeli Government was violating the human rights of Palestinians. The time had come to identify what the international community, in particular the Security Council and civil society, could do to end that situation.

34. **Mr. Dugard** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that the 2004 Advisory Opinion had been confined to the question of the legality or illegality of the separation wall being built within Palestinian territory. It was important to consider all aspects of the occupation, particularly given that it had been accompanied by colonialism, which was in violation of the obligations by which Israel was bound. He noted that the Advisory Opinion could provide legitimacy for United Nations action on the subject.

35. Replying to the questions by the Indonesian representative, he reiterated his complaint that the Quartet did not take the human rights content of the situation sufficiently seriously.

36. Replying to the issue raised by the Libyan representative, he said that any peaceful settlement of the Palestinian question should inevitably take into account human rights.

37. Replying to the remarks by the Observer for Palestine, he said that States and civil society alike should play a more pro-active role and that the Quartet should devote more attention to human rights.

38. Replying to the comments by the United States representative, he noted that the United States Government had imposed its will on the other members of the Quartet, who had indicated that they were prepared to accept the Advisory Opinion. On the subject of terrorism, he did not wish to underestimate its importance but felt that it could be used as a distraction. He disputed that the separation wall was being built for security purposes; it was clearly intended to enclose Israeli settlements within Israel. Lastly, although it was politically incorrect to suggest that some Israeli practices in the occupied territories were akin to apartheid, it could not be ignored that many of those practices in the West Bank and East Jerusalem discriminated on racial grounds against Palestinians.

39. **Mr. Pinheiro** (Special Rapporteur on the situation of human rights in Myanmar), introducing his report (A/62/223), said that he had not been granted access to Myanmar since November 2003 but that he continued closely to follow events in the country. As in the past, his report had been shared with the Permanent Mission of Myanmar in Geneva, many of whose suggestions had been accommodated.

40. Since the submission of his report, tragic events had been taking place in Myanmar. On 15 August 2007, the Government had increased the retail price of fuel, leading to peaceful protests by the population, whose standard of living had been severely curtailed over the years. From 18 to 30 September, large demonstrations had been led by monks, with the participation of the '88 Generation Student Group, parliamentarians, religious minorities and citizens, including women and children. From 26 to 28 September, the security forces had repressed peaceful demonstrators with the use of excessive force, killing and seriously injuring a number of demonstrators and making wide-scale arrests. Many of those demonstrators had not yet been released and he continued to receive alarming reports of deaths in custody and disappearances. He was also gravely concerned at the use of non-law-enforcement officials and non-State armed groups alongside the security forces.

41. He joined his fellow special procedure mandate-holders in calling on the Myanmar authorities immediately and unconditionally to release the detainees and political prisoners, including the General Secretary of the National League for Democracy (NLD), Aung San Suu Kyi, who had been in detention or under house arrest for 12 years. He nevertheless welcomed the appointment of a liaison officer tasked with starting a dialogue with the NLD General Secretary and hoped that such a dialogue would begin without further delay.

42. States of the region had an outstanding role to play in the process towards upholding the principles of democracy and rule of law in Myanmar, but

coordination of the different approaches among Member States was urgently needed. He proposed a strategic dialogue with the Government of Myanmar aimed at reconciling the army with the people and was encouraged by the expressions of deep concern issued by key international and regional actors, such as the Association of Southeast Asian Nations (ASEAN) and the United Nations Security Council.

43. He welcomed the access provided to Mr. Ibrahim Gambari, Special Envoy of the Secretary-General, by the Government of Myanmar and called upon it to continue cooperating with him. Under Human Rights Council resolution S-5/1, he himself had been mandated to assess the current human rights situation in Myanmar, including by seeking an urgent visit to the country. He was pleased to report that the Government of Myanmar had recently confirmed its agreement to such a visit, during which he proposed to gather information, testimonies and data, as well as verify the allegations of ongoing human rights abuses in Myanmar.

44. Since the recent wave of repression, he had received numerous worrying reports concerning detainees, detention conditions and night raids conducted during curfew hours. Individuals had also reportedly been charged and sentenced by special courts. At the current stage, it was difficult to provide accurate numbers of persons killed, arrested or still in detention, as the figures provided by the authorities perhaps underestimated the real figures.

45. In accordance with Human Rights Council resolution S-5/1, he urged the authorities of Myanmar to secure the physical and psychological integrity of all detainees; reveal the whereabouts of individuals, particularly missing persons; ensure immediate access by the International Committee of the Red Cross (ICRC) and other humanitarian personnel to all detainees; take steps for the unconditional release of all detainees; grant amnesty to people already sentenced and drop prosecutions already under way; conduct independent and thorough investigations into killings and enforced disappearances; engage in a constructive dialogue with the Human Rights Council and its special procedures; and take steps to alleviate the economic hardship of the great majority of the population and introduce serious reforms.

46. The persecution of members of the opposition and human rights defenders showed that many obstacles to a genuine transition remained, despite the laying down of principles for a new constitution by the National Convention on 3 September 2007. The arrest and detention of several political leaders and the severe and sustained restrictions on the exercise of fundamental freedoms could only be detrimental to Myanmar's stability. There would be no progress in political transition until ordinary citizens were able to express their views and discontent peacefully and in public.

47. The progressive deterioration of the economic and social situation and the hidden war that had decimated generations of Karen, Shan and other minority groups were also major obstacles.

48. It was a further matter of concern that in order to find out what was really happening in their country and the rest of the world, citizens of Myanmar were forced to rely on sources of information that were prohibited by the national authorities and that the Internet was censored and electronic mail services restricted.

49. **Mr. Thaung Tun** (Myanmar) paid tribute to Mr. Pinheiro in his capacity as Independent Expert directing the Secretary-General's in-depth study on violence against children. However, his report on the situation of human rights in Myanmar (A/62/223) was less than objective. To his credit, the Special Rapporteur acknowledged, in paragraph 62 of the report, that he had not been able to verify the accuracy of the allegations received owing to the fact that he had been unable to visit the country in recent years. Unsubstantiated allegations had no place in the report of a Special Rapporteur who was aware of the complex situation in the country and could obtain reliable information from various sources.

50. He recalled that the Special Rapporteur had made six visits to Myanmar, during which the country's authorities had extended their full cooperation to him, allowing him to travel the length and breadth of the country to witness at first hand the palpable changes taking place, even in remote areas, thanks to the restoration of peace and stability. The Special Rapporteur had also had the opportunity to meet with the country's leaders and with representatives of political parties and of armed groups that had returned to the legal fold, as well as to visit prisons and interview detainees.

51. Cooperation with the United Nations was a cornerstone of the Government's foreign policy and it

was ready to receive the Special Rapporteur again in November. It had also agreed to a visit by the Special Envoy of the Secretary-General, Mr. Ibrahim Gambari, that same month. In addition, several other senior United Nations officials had already visited Myanmar and the United Nations country team was in a position to provide balanced and objective reports on the situation in the country.

52. In recent months and weeks, Myanmar had become an emotive issue. However, the international community must be able to rise above the fray and discern the true situation. Peaceful protests had been sullied by political activists and rabble rousers, but the Government had exercised restraint. The situation would not have deteriorated to such an extent had it not been for the subversive acts carried out by political opportunists with foreign support. One political party, in collusion with Western embassies, had even disseminated malicious news.

53. Normality had been restored in the country and the curfew on certain urban areas had been completely lifted. Following the visit of the Special Envoy of the Secretary-General from 29 September to 2 October 2007, the Government had appointed a Minister to liaise with Aung San Suu Kyi, a 54-member committee had been established to draft a new constitution, the Special Envoy and the Special Rapporteur had been invited to visit Myanmar in November 2007 and 2,677 demonstrators, who had been briefly detained for questioning, had been released. Further releases would follow.

54. He welcomed the fact that the Special Rapporteur had acknowledged that important changes were taking place in the country, but regretted that he had questioned the viability of the National Convention, which had in fact completed its work. Only the Government and people of Myanmar could fashion their own destiny.

55. Although time constraints made it impossible for him to refute all the unsubstantiated allegations contained in the report, he could not let the outrageous allegations of human rights violations, particularly sexual violence and recruitment of child soldiers, pass without comment. He wished to reaffirm that it was not his Government's policy to recruit child soldiers and that an action plan to prevent their recruitment was in place, as the Special Representative of the Secretary-General for Children and Armed Conflict had confirmed.

56. When the Special Rapporteur visited Myanmar in November for the seventh time at the Government's invitation, he would be accorded full cooperation in carrying out his important mission. His delegation hoped that in the report to be submitted to the next session of the Human Rights Council, the Special Rapporteur would acknowledge the developments taking place in the country and make fair and pragmatic recommendations.

57. **Ms. Martins** (Portugal), speaking on behalf of the European Union, said that the situation in Myanmar had evolved since the previous report, but not in the right direction. The European Union was deeply concerned and urged the Government of Myanmar to cooperate with United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in Myanmar. She wished to know the status of preparations for the Special Rapporteur's visit, as well as the exact date of that visit and its main objectives. In his report, the Special Rapporteur recommended ways and means of addressing urgently — and with pragmatism — the issue of political prisoners.

58. She asked whether the Government of Myanmar had acted on that recommendation, whether updated information on the total number of prisoners following the arrest of many peaceful demonstrators had been provided and how the Special Rapporteur intended to take account of those new detentions in his recommendations.

59. Women in Myanmar had been subjected to serious and repeated violations of their rights, including sexual violence in the context of armed conflict and military operations, as well as acts of discrimination. Moreover, they were bearing the brunt of the deterioration of the economic and social situation in the country. She noted that, in his report, the Special Rapporteur had called on the Government of Myanmar to follow up on the recommendations and concluding observations adopted by the Committee on the Elimination of Discrimination against Women. She wondered what additional measures should be taken to facilitate the realization in Myanmar of women's basic rights.

60. **Mr. Poniatowski** (France) associated himself fully with the statement made by Portugal on behalf of

the European Union and reiterated his Government's solidarity with the Burmese people in their peaceful struggle for human rights and democracy. The brutality with which the regime had suppressed its own people had horrified the world and while the number of fatalities and injuries was unknown, it was probably much higher than the official government figure.

61. He thanked the Special Rapporteur for the efforts that he had been making for a number of years to bring about a genuine improvement in the situation of human rights in Myanmar and for briefing the Committee and emphasized the urgent need for the authorities to give a definite response to the requests made by the Security Council on 11 October on the basis, inter alia, of the outcome of the special session of the Human Rights Council held on 2 October. He welcomed the fact that the Government had authorized the Special Rapporteur, ICRC and the Special Envoy of the Secretary-General to visit the country. It was in fact vital to maintain international pressure on the regime in order to encourage it to end the repression and engage in a real political dialogue with all stakeholders, including Aung San Suu Kyi, who should be given freedom of movement.

62. His delegation hoped that the Special Rapporteur would be accorded all necessary cooperation and complete freedom of movement and would be able to meet representatives of civil society, including political prisoners and human rights defenders. It called for the urgent release of all political detainees and the lifting of all restrictions on the peaceful exercise of fundamental freedoms and would remain active on their behalf.

63. Lastly, noting that the Special Rapporteur had stressed in his report the need to provide international technical assistance to the country, he suggested that the High Commissioner for Human Rights might help to define the parameters of such assistance, in cooperation with the Burmese authorities. He asked how his Government could assist the Special Rapporteur following his visit to Myanmar and what the Special Rapporteur expected Member States to do to help the country embark, at the earliest opportunity, on the road to democracy, which, ultimately, was the only road possible.

64. **Mr. Thaung Tun** (Myanmar), speaking on a point of order, asked the Chairman to request speakers to use the official name of his country in their statements. As the item under discussion was human rights, the right of each Member State to choose the name by which it wished to be called should be respected.

65. **Mr. Cabral** (Guinea-Bissau) thanked the Special Rapporteur for finding the right words to describe a situation that was distressing to the international community in more ways than one. The images coming out of Myanmar gave cause for concern and testified to a tragic situation that must be remedied. His delegation hoped that the urgent measures called for by the international community would be taken in the coming weeks.

66. While the Third Committee was not a court, it did expect the Government of Myanmar, as it would any other Government, to be able to respond to its people's appeals and to respect freedom of expression, a basic right that was recognized in the country's Constitution.

67. **Mr. Vigny** (Switzerland) thanked and congratulated the Special Rapporteur, whose mandate was absolutely essential and must be maintained. He hoped that the Myanmar authorities would cooperate with the Special Rapporteur on his forthcoming visit.

68. Recalling the many arrests made after the latest demonstrations and the reports of deplorable conditions of detention and ill-treatment inflicted on persons in preventive detention in Myanmar, he said that his Government wished to know what measures the Special Rapporteur would propose to the national authorities in that regard on his forthcoming visit.

69. **Ms. Lowe** (New Zealand) thanked the Special Rapporteur for his report and the fresh information that he had just presented. Her delegation had sponsored the Human Rights Council resolution calling for a special session on Myanmar and had supported the final resolution of the special session, requesting the Special Rapporteur to visit Myanmar and to report to the Council at its next session.

70. Noting that the Government of Myanmar had authorized the Special Rapporteur and the Secretary-General's Special Envoy for Myanmar, Mr. Ibrahim Gambari, to visit the country, she hoped that the decision signalled the Government's willingness to cooperate with the international community. In his report, the Special Envoy had made specific recommendations to the Government of Myanmar with

a view to ending the tensions and the serious and flagrant human rights violations against the population.

71. **Mr. Shinyo** (Japan) thanked the Special Rapporteur for his presentation and his tireless efforts to carry out his mandate and expressed support for his mission and activities. He was pleased that the Government of Myanmar had authorized the Special Rapporteur to visit the country and would follow the mission's progress closely.

72. He strongly deplored the decision of the Government of Myanmar to use force against peaceful demonstrators, which had resulted inter alia in the death of a Japanese citizen. He hoped that the Government would accept and implement in good faith the provisions of the resolution adopted unanimously by the Human Rights Council at its special session on 2 October and the statement issued by the President of the Security Council on 11 October.

73. He asked the Special Rapporteur what impact the work of the National Convention on the drafting of a new constitution, which had concluded in September 2007, and the measures taken by the Government of Myanmar against peaceful demonstrators had had on the human rights situation and democratization in Myanmar. While recognizing that human rights were an indivisible whole, he asked what issues the Special Rapporteur would emphasize on his forthcoming visit.

74. **Mr. Pinheiro** (Special Rapporteur on the situation of human rights in Myanmar) noted that the announcement of his forthcoming visit to Myanmar was very recent and that the dates would be set in consultation with the Government of Myanmar and the Secretary-General.

75. Concerning the number of political prisoners, he could not give a precise figure but, according to some reports, 2,677 individuals detained during the latest crisis had been released and further releases were expected. He would probably have more accurate information after his visit.

76. With regard to women, the Government of Myanmar had submitted a report to the Committee on the Elimination of Discrimination against Women. It was essential that women's rights should be protected under the new Constitution and that humanitarian assistance should be gender-specific.

77. Replying to the questions by the representatives of France and Switzerland concerning conditions of detention, he noted that the visits that ICRC had been making for years were already benefiting both the Government and detainees and that the contacts between the Government and ICRC were constructive. He hoped that ICRC would be able to resume its visits to prisoners of conscience. Replying to the question by the representative of France as to the form that his Government's assistance should take, he said that the most effective action that both France and the other members of the Security Council could take was to continue to do what they had been doing for the past 10 months, in order to facilitate the transition process in Myanmar.

78. Replying to the representative of Guinea-Bissau, he expressed the hope that the Government of Myanmar would soon recognize that freedom of expression and freedom of association were essential for the transition to democracy.

79. Replying to the representative of New Zealand, he pointed out that he was only just beginning the preparations for his visit to Myanmar, in cooperation with the High Commissioner for Human Rights, various colleagues and the Myanmar authorities. On previous occasions, he had enjoyed the full cooperation of the authorities.

80. Replying to the representative of Japan, he said that his visits had a very specific goal. He wanted to be able to give the Human Rights Council a clear, objective and detailed picture of the crisis after hearing from both the protesters and the Government.

81. His reports always took the Government's views more fully into account when he was able to visit the country. He did not condemn the work of the National Convention but rather, like the Secretary-General and his predecessor, felt that it should encompass a broader range of views. Lastly, it was his understanding that, in Chinese, the word "crisis" meant "opportunity". He was convinced that all crises opened up opportunities.

82. **Ms. Patscher** (Germany), associating herself with the statement made by the representative of Portugal on behalf of the European Union, noted that the Special Rapporteur's report mentioned freedom of the press, freedom of expression, freedom of assembly and freedom of association. Given that both the people of Myanmar and the international community were obtaining their information on the situation in the country from sources that were banned by the authorities, she asked what could be done to ensure

access to those media for the inhabitants of Myanmar and to persuade the authorities to stop censoring and banning them. Noting that forced labour was still practised, she requested information on cooperation between ILO and the Myanmar authorities in that regard and on the number of successful complaints.

83. **Ms. Yarlett** (Australia) welcomed the Special Rapporteur's forthcoming visit to Myanmar and urged the Government to lend him its full cooperation. She was appalled by the recent repression of peaceful demonstrations and concerned that many people had been arrested. She called for their release and asked how the international community could encourage the Government to improve the treatment of detainees.

84. **Ms. Mireau** (Canada) welcomed the Special Rapporteur's efforts to carry out his mandate in difficult conditions and his forthcoming visit to Burma, and asked how countries of the region and the rest of the international community could assist him.

85. **Mr. Thaung Tun** (Myanmar), speaking on a point of order, said he believed that the representative of Canada had been in the room when he had requested that his country be called by its official name.

86. **Mr. Rees** (United States of America) said that his delegation welcomed the report, which detailed the repression, discrimination, human rights violations and brutality inflicted by the regime and the effects of those abuses on flows of refugees and displaced persons. He welcomed the news that the authorities had agreed to allow the Special Rapporteur to visit the country shortly and hoped that he would have an unfettered opportunity to investigate human rights violations. The work of the Secretary-General's Special Envoy, Mr. Ibrahim Gambari, was essential to the reconciliation and democratic transition process. His delegation would like to know how the Special Envoy, whose immediate return to Burma it hoped the authorities would facilitate, and the Special Rapporteur were coordinating their work and supporting each other's mandates.

87. Since the release of all political prisoners was essential to the democratic transition process, he hoped that the Special Rapporteur's visit would give him an opportunity to investigate their situation and to press for their unconditional release and for humanitarian access to them. His delegation was concerned that the Special Rapporteur had requested the phased release of prisoners, which might encourage the authorities to delay. The Special Rapporteur's thoughts on that possibility would be appreciated.

88. His Government would continue to work with the international community to address the threat posed by the current political situation, not just to the people of Burma but also to the peace and security of the region.

89. **Ms. Ribeiro Viotti** (Brazil) said that dialogue and cooperation were the best means of protecting human rights. She welcomed the Special Rapporteur's forthcoming visit to Myanmar and hoped that it would enable him to carry out his mandate and to improve the human rights situation there.

90. **Mr. Ke** Yousheng (China) welcomed the fact that the Government of Myanmar had decided to invite the Special Rapporteur to visit the country and hoped that his mission would meet with full success. His Government was closely following developments and the efforts of the international community and the Government of Myanmar to improve the situation and noted that things had in fact recently begun to return to normal. He hoped that the Special Envoy's return to Myanmar, the assistance of the international community and the Special Rapporteur's visit would help to set the country on the road to democracy, but in the end that was for the people and Government of Myanmar to decide. He wished to point out, however, that in Chinese "crisis" did not mean "opportunity".

91. *Mr. Gibbons (Ireland), Vice-Chairman, took the Chair.*

92. **Mr. Thaung Tun** (Myanmar), speaking on a point of order, said that since 1999 the official name of his country had been Myanmar. Neighbouring countries had always known it by that name. It was not a political appellation but an integrationist one, the country being composed of more than 100 nationalities. The term "Burma" referred only to the largest group.

93. **Mr. Pinheiro** (Special Rapporteur on the situation of human rights in Myanmar) said that he had forgotten to mention that one of the paragraphs of the 2 October 2007 resolution of the Human Rights Council encouraged the Government of Myanmar and the High Commissioner for Human Rights to engage in a dialogue. He was sure that the High Commissioner would cooperate.

94. Replying to the representative of Japan on the question of the indivisibility of human rights, he said

that whenever civil and political rights came up it was necessary to address economic and social rights at the same time: the recent crisis in Myanmar constituted a good example of that fact.

95. Replying to the question by the representative of Germany concerning news media and information technologies, he said that he hoped to be able to convince the Government of Myanmar of the opportunities offered by the Internet. Transparency was vital and it was in countries' own interest that Internet access should not be banned. On the issue of forced labour, a constructive dialogue had been engaged between ILO and the Government, but he could not specify the number of complaints that had been successful.

96. Responding to the representative of Australia, he said that it was the responsibility of the authorities to guarantee prisoners good conditions of detention and he reiterated that ICRC visits were the best possible solution for both prisoners and the Government.

97. Responding to the statement by the representative of Canada, he said that the best way to facilitate his work was to continue along current lines and to ensure an international humanitarian presence on the ground in order to provide communities with the means to take charge of their own lives.

98. Replying to the representative of Brazil, he said that he welcomed the invitation to return to Myanmar.

99. He thanked the representative of China for showing tolerance with regard to his knowledge of Chinese.

100. **Ms. Abdelhak** (Algeria), speaking in exercise of the right of reply, said that in putting a question to the High Commissioner for Human Rights at the Committee's 22nd meeting, she had not intended to politicize the issue of human rights in any way. Citing three reports whose treatment might appear contradictory, namely, those on Nepal, Uganda and Western Sahara, she had simply wanted to clarify the criteria on which the High Commissioner based her decisions to issue and present reports, in order to save the Committee from spending time on the same issues in the future. She therefore regretted that the representative of Morocco had given a political twist to what had been a technical question. Her delegation had no objection to publication of the High Commissioner's report on the visits to the occupied territory of Western Sahara and to the Tindouf camp.

101. **Mr. Mohamed** (Sudan), speaking in exercise of the right of reply, noted that the statement made by the representative of Portugal on behalf of the European Union at the 22nd meeting, had been redolent of the colonialism which the Sudan had suffered for far too long and with the legacy of which the Sudan, like other countries, had to contend. Referring to Guantánamo Bay and Abu Ghraib, he said that the representative of Portugal should have spoken about the human rights of the migrants who came to Europe from other continents, and of prisoners held in European countries that considered themselves to be the liberators of humankind.

102. His Government's cooperation with regard to Darfur was excellent. It was working with the African Union and the Libyan Arab Jamahiriya towards ending the conflict and hoped that the European Union would be a partner in that process. Politicization and scorn did not solve problems, but dialogue could, which was why preparations were being made for the Special Rapporteur to visit the Sudan.

103. **Mr. Abass** (Iraq), speaking in exercise of the right of reply, said that his Government shared the concerns expressed by the representative of Portugal on behalf of the European Union, at the 22nd meeting, under agenda item 70. The situation of human rights in Iraq and the situation of Iraqi refugees, as well as the deterioration of the humanitarian situation owing to terrorism and militia and criminal activity, were indeed worrying. His Government had been working hard to create conditions for the return of refugees and internally displaced persons and was already making some progress, but it needed contributions from friendly countries and from international organizations, which must assist both the refugees and their host countries, as the Iraqi Government was doing. As the Secretary-General had indicated in his recent report to the Security Council (S/2007/608), the cooperation of the Iraqi Government and the authorities of Iraqi Kurdistan with United Nations human rights officials was improving.

104. His Government's invitation to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment demonstrated that it was determined to improve the human rights situation in Iraq and to fight against impunity.

The meeting rose at 6.15 p.m.